

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7190

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

THOMAS ANTHONY BURRESS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, Senior District Judge. (CR-97-3-1; CR-92-16; CA-02-19-7)

Submitted: January 29, 2004

Decided: February 5, 2004

Before WILKINSON, MICHAEL, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas Anthony Burress, Appellant Pro Se. Donald Ray Wolthuis, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Thomas Anthony Burress seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have independently reviewed the record and conclude that Burress has not made a substantial showing of the denial of a constitutional right. See Miller-El v. Cockrell, 537 U. S. 322, 336 (2003).^{*} Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

^{*}We note that Burress' claim pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000), is not cognizable on collateral review. United States v. Sanders, 247 F.3d 139 (4th Cir. 2001).